

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ERICSSON INC. and  
TELEFONAKTIEBOLAGET LM  
ERICSSON,**

**Plaintiffs,**

**v.**

**APPLE INC.,**

**Defendant.**

**CIVIL ACTION NO. 2:15-cv-288**

**JURY TRIAL DEMANDED**

**ERICSSON INC. AND TELEFONAKTIEBOLAGET LM ERICSSON'S ANSWER TO  
APPLE INC.'S COUNTERCLAIMS TO ERICSSON'S FIRST AMENDED COMPLAINT**

Plaintiffs Ericsson Inc. and Telefonaktiebolaget LM Ericsson (singularly or collectively, "Ericsson") hereby answer the Counterclaims of Defendant Apple Inc. ("Apple") and allege as follows. Except as where expressly admitted, Ericsson denies Apple's allegations.

**APPLE'S COUNTERCLAIMS**

1. The allegations in Paragraph 1 assert a statement to which no response is required.

To the extent a response is required, Ericsson denies.

2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Ericsson admits that venue is proper within this district under 28 U.S.C. §§ 1391(b) and (c). Ericsson denies that venue in this district is not convenient or in the interests of justice under 28 U.S.C. § 1404(a).

### **BACKGROUND**

8. Upon information and belief, Ericsson admits that Apple introduced the original iPhone in 2007. Upon information and belief, Ericsson admits that the original iPhone included a color multi-touch screen, user-interface and applications. Upon information and belief, Ericsson further admits that the original iPhone was capable of storing and playing music, accessing the internet, and making and receiving phone calls. Ericsson lacks sufficient knowledge or information to form a belief as to the truth of the other allegations in Paragraph 8 and therefore denies them.

9. Upon information and belief, Ericsson admits that Apple introduced the original iPad in 2010. Upon information and belief, Ericsson admits that the original iPad included a color touch screen and user-interface. Upon information and belief, Ericsson further admits that the original iPad was capable of storing and playing music. Ericsson lacks sufficient knowledge or information to form a belief as to the truth of the other allegations in Paragraph 9 and therefore denies them.

10. Ericsson lacks sufficient knowledge or information to form a belief as to the truth of the other allegations in Paragraph 10 and therefore denies them.

### **FIRST COUNTERCLAIM: DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE '081 PATENT**

11. The allegations in Paragraph 11 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

12. Denied.

13. Admitted.

14. Denied.

15. Denied

**SECOND COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '081 PATENT**

16. The allegations in Paragraph 16 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

17. Admitted.

18. Denied.

19. Denied.

20. Denied.

**THIRD COUNTERCLAIM: DECLARATORY JUDGMENT  
OF NONINFRINGEMENT OF THE '798 PATENT**

21. The allegations in Paragraph 21 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

22. Denied.

23. Admitted.

24. Denied.

25. Denied

**FOURTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '798 PATENT**

26. The allegations in Paragraph 26 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

27. Admitted.

28. Denied.

29. Denied.

30. Denied.

**FIFTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF NONINFRINGEMENT OF THE '770 PATENT**

31. The allegations in Paragraph 31 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

32. Denied.

33. Admitted.

34. Denied.

35. Denied.

**SIXTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '770 PATENT**

36. The allegations in Paragraph 36 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

37. Admitted.

38. Denied.

39. Denied.

40. Denied.

**SEVENTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF NONINFRINGEMENT OF THE '787 PATENT**

41. The allegations in Paragraph 41 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

42. Denied.

43. Admitted.

44. Denied.

45. Denied.

**EIGHTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '787 PATENT**

46. The allegations in Paragraph 46 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

47. Admitted.

48. Denied.

49. Denied.

50. Denied.

**NINTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF NONINFRINGEMENT OF THE '430 PATENT**

51. The allegations in Paragraph 51 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

52. Denied.

53. Admitted.

54. Denied.

55. Denied.

**TENTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '430 PATENT**

56. The allegations in Paragraph 56 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

57. Admitted.

58. Denied.

59. Denied.

60. Denied.

**ELEVENTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF NONINFRINGEMENT OF THE '683 PATENT**

61. The allegations in Paragraph 61 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

62. Denied.

63. Admitted.

64. Denied.

65. Denied.

**TWELFTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '683 PATENT**

66. The allegations in Paragraph 66 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

67. Admitted.

68. Denied.

69. Denied.

70. Denied.

**THIRTEENTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF NONINFRINGEMENT OF THE '086 PATENT**

71. The allegations in Paragraph 71 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

72. Denied.

73. Admitted.

74. Denied.

75. Denied.

**FOURTEENTH COUNTERCLAIM: DECLARATORY JUDGMENT  
OF INVALIDITY OF THE '086 PATENT**

76. The allegations in Paragraph 76 assert a statement to which no response is required. To the extent a response is required, Ericsson denies.

77. Admitted.

78. Denied.

79. Denied.

80. Denied.

**EXCEPTIONAL CASE**

81. Denied.

**PRAYER FOR RELIEF**

Ericsson denies that Apple is entitled to any relief.

**DEMAND FOR JURY TRIAL**

Ericsson hereby demands a trial by jury on all issues so triable.

Dated: June 22, 2015.

Respectfully submitted,

**McKool Smith, P.C.**

By: /s/ Courtland L. Reichman  
Courtland L. Reichman, Lead Attorney  
California State Bar No. 268873  
creichman@mckoolsmith.com  
Jennifer P. Estremera  
California State Bar No. 251076  
jestremera@mckoolsmith.com  
Bahrad A. Sokhansanj  
California State Bar No. 285185  
bsokhansanj@mckoolsmith.com  
Phillip J. Lee  
California State Bar No. 263063  
plee@mckoolsmith.com  
McKool Smith Hennigan  
255 Shoreline Drive, Suite 510  
Redwood Shores, California 94065  
Telephone: (650) 394-1400  
Telecopier: (650) 394-1422

Mike McKool, Jr.  
Texas State Bar No. 13732100  
mmckool@mckoolsmith.com  
Douglas A. Cawley  
Texas State Bar No. 0403550  
dcawley@mckoolsmith.com  
Theodore Stevenson, III  
Texas State Bar No. 19196650  
tstevenson@mckoolsmith.com  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
Telephone: (214) 978-4000  
Facsimile: (214) 978-4044

Samuel F. Baxter  
Texas State Bar No. 01938000  
sbaxter@mckoolsmith.com  
104 E. Houston Street, Suite 300  
P.O. Box 0  
Marshall, Texas 75670

Telephone: (903) 923-9000  
Facsimile: (903) 923-9099

**ATTORNEYS FOR PLAINTIFFS  
ERICSSON INC. and  
TELEFONAKTIEBOLAGET LM  
ERICSSON**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was electronically filed with the CM/ECF system per LR 5.1, and that all interested parties are being served with a true and correct copy of these documents via the CM/ECF system on June 22, 2015.

/s/ Jennifer P. Estremera  
Jennifer P. Estremera